

**UNITED STATES DISTRICT COURT OF THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

IN RE: DIGITEK PRODUCT  
LIABILITY LITIGATION

MDL Case No.: 2:08-md-1968

**THIS DOCUMENT RELATES TO:**

*McCornack v. Actavis*, 09-cv-0671  
*Vega v. Actavis*, 09-cv-0768

---

**PLAINTIFFS' NOTICE OF WITHDRAWAL OF MOTION TO STRIKE PLEADINGS AND  
MOTIONS FILED IN EXCESS OF PAGE LIMITATIONS (See Pacer Docket Nos. 555-556.)**

**TO THE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that Plaintiffs hereby withdraw their previously filed Motion to Strike Pleadings and Motions Filed in Excess of Page Limitations (PACER Docket Nos. 555-556). Apparently a prior discussion concerning page limitations was informally discussed between defense counsel and several members of the Plaintiffs' Steering Committee and this Court had indicated in an e-mail that strict page limitations would not be enforced. The attorneys for the McCornacks and the Vegas were not made aware of these discussions and e-mails until after they filed their Motion and Opposition papers.

Respectfully Submitted.

Dated: September 6, 2011

/s/ Terry Kilpatrick  
Terry Kilpatrick (CA. State Bar No. 163197)  
Attorneys for Plaintiffs in 2:09-cv-0671  
Ernst Law Group  
1020 Palm Street  
San Luis Obispo, CA 93401  
Tel: 805-541-0300  
Fax: 805-541-5168  
E-mail: tk@ernstlawgroup.com

**CERTIFICATE OF SERVICE**

I hereby certify that on September 6, 2011, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

Dated: September 6, 2011

/s/ Terry Kilpatrick  
Terry Kilpatrick (CA. State Bar No. 163197)  
Attorneys for Plaintiffs in 2:09-cv-0671  
Ernst Law Group  
1020 Palm Street  
San Luis Obispo, CA 93401  
Tel: 805-541-0300  
Fax: 805-541-5168  
E-mail: tk@ernstlawgroup.com